(3)

समक्ष माननीय राज्य प्रशासनिक अधिकरण मध्य प्रदेश, रायपुर

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ओ.ए. क्रमांक /2001

आवेदिका : श्रीमती उषा ताम्रकार, आयु 40 वर्ष
पत्नी श्री कन्हैयालाल ताम्रकार
सहायक शिक्षिका, शास. प्राथ. कन्या शाला,
पाटन, जिला – दुर्ग (छ.ग.)

विरुद्ध

अनावेदकगण : (1) छत्तीसगढ़ शासन
द्वारा – सचिव,
स्कूल शिक्षा विभाग/मंत्रालय,
डी.के.एस. भवन,
रायपुर (छ.ग.)

(2) जिला शिक्षा अधिकारी,
जिला – दुर्ग (छ.ग.)

आवेदन पत्र अंतर्गत धारा 19 मध्य प्रदेश राज्य प्रशासनिक अधिनियम.

:: आवेदन पत्र का विवरण ::

(48)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. (S) No. 3780 of 2005

Petitioner — Smt. Usha Tamrkar

Versus

Respondents — State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Rakesh Anthony, Advocate for the petitioner.

V. V. S. Murthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 9th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher in Primary Girls School, Patan, District – Durg was transferred to Primary School, Atari, on the same terms and conditions, vide order dated 6.9.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 14.9.2001 directed to maintain status quo in regard to the position of the petitioner as it was prevailing on 12.9.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Thakur

Sd/-
Satish K. Agnihotri
Judge